

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JIM TRAKAS,	:
	:
Plaintiff,	:
	:
v.	:
	:
CONSERVATIVE ALLIANCE	:
POLITICAL ACTION COMMITTEE,	:
et al.,	:
	:
Defendants.	:

DECLARATION OF NICK EVERHART

I, Nick Everhart, declare under penalty of perjury as follows:

1. As a political consultant to Conservative Alliance Political Action Committee (“CA PAC”), the Defendant in the above-captioned litigation, I was involved in preparing political advertisements disseminated by CA PAC in opposition to the candidacy of Jim Trakas, the Plaintiff in this litigation, in the statewide primary election. At that time, Trakas faced a primary opponent for the Republican nomination to run in the general election for a seat in the Ohio House of Representatives.

2. Among the advertisements I was involved in preparing are the five mailer advertisements that are referenced in and/or attached to the Complaint filed by Trakas. The Stoneridge Group, a vendor based in Georgia, was also involved in preparing these ads. True and accurate copies of those five advertisements are contained in Exhibits 1-5 to the declaration of Chris Marston, CA PAC’s treasurer, which is being filed concurrently with this declaration. Each of these ads was disseminated voters in the weeks before the May 8, 2018, Ohio statewide primary election.

EXHIBIT

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3. Each of the five ads contained factual statements about (1) Trakas and (2) Ohio Rep. Larry Householder that were prepared in reliance on news coverage from reputable news outlets concerning Householder's conduct as an elected official dating back to his previous terms in the House, during which he was elected Speaker of the House. Among the news coverage which was relied upon and/or which supports statements made are the articles from reputable publications that are attached as exhibits to the Declaration of attorney James E. Tyrrell III ("Attorney Tyrrell"), which is also being filed concurrently with this declaration. Some of these articles were specifically cited in the ads.

4. It was commonly known in political circles and reported in the news media in 2018 that Trakas' campaign was being supported by Householder, at least in part because of expectations that Trakas, if elected, would support Householder's ambitions to be elected again to the House speakership. Trakas was publicly allied with Householder when both served in the House during Householder's previous terms as Speaker. One objective of the CA PAC ads was to call attention to Trakas' ties to Householder.

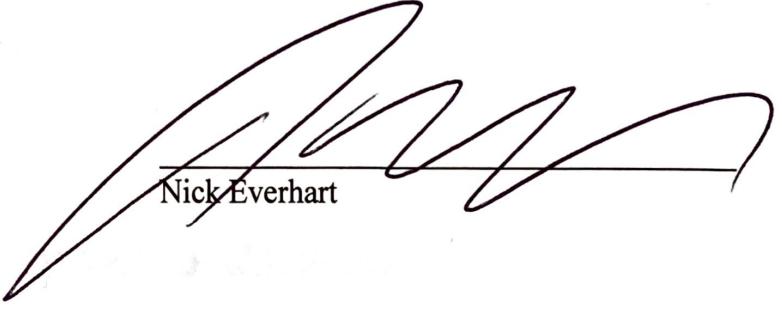
5. Additional factual material that were relied on in preparing statements made in the advertisements is contained in a report on Trakas dated June 23, 2017, and compiled by another vendor, with which I am familiar, that specializes in "opposition research." The information in the report was assembled from public sources, primarily news reports from reputable Ohio media outlets. A true and accurate copy of this report is contained in an exhibit to Attorney Tyrrell's affidavit.

6. I also relied upon Attorney Tyrrell, who is CA PAC's outside legal counsel from Washington, D.C., who has with expertise in election law, and who was engaged by CA PAC to review the advertisements for compliance with applicable law.

7. I have no reason to doubt the truth of the factual statements contained in the ads or to believe that any of the statements were untrue. Additional statements in the ads were subjective statements of opinion intended to persuade voters.

8. I declare under penalty of perjury that the foregoing is true and correct and based upon my personal knowledge.

Executed on October 31, 2019.



Nick Everhart

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